

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Xum Tambriz et al.,

Plaintiff,

-v-

Taste & Sabor LLC et al.,

Defendants.

20-cv-5409 (AJN) (RWL)

ORDER

ALISON J. NATHAN, District Judge:

On November 6, 2021, the Court referred Plaintiffs' motion for default judgment against Defendants Taste and Sabor LLC and Nurkia DeLeon to Magistrate Judge Robert Lehrburger. Dkt. No. 44. On December 29, 2021, Judge Lehrburger filed a Report & Recommendation recommending that the Court grant Plaintiffs' motion for default judgment against Defendants. Dkt. No. 51.

When considering the findings and recommendations of a Magistrate Judge, the Court may "accept, reject, or modify [them], in whole or in part." 28 U.S.C. § 636(b)(1). The Court must make a *de novo* determination of any portions of a magistrate's report or findings to which a party raises an objection, and reviews only for "clear error on the face of the record" when there are no timely objections to the Report & Recommendation. *Banks v. Comm'r of Soc. Sec.*, No. 19-cv-929 (AJN) (SDA), 2020 WL 2765686, at \*1 (S.D.N.Y. May 27, 2020); *see also Brennan v. Colvin*, No. 13-cv-6338 (AJN), 2015 WL 1402204, at \*1 (S.D.N.Y. Mar. 25, 2015); *Hicks v. Ercole*, No. 09-cv-2531 (AJN) (MHD), 2015 WL 1266800, at \*1 (S.D.N.Y. Mar. 18, 2015); *Gomez v. Brown*, 655 F. Supp. 2d 332, 341 (S.D.N.Y. 2009). Clear error is found only when, upon review of the entire record, the Court is left with "the definite and firm

conviction that a mistake has been committed.” *Laster v. Mancini*, No. 07-CV-8265 (DAB) (MHD), 2013 WL 5405468, at \*2 (S.D.N.Y. Sept. 25, 2013) (quoting *United States v. Snow*, 462 F.3d 55, 72 (2d Cir. 2006)).

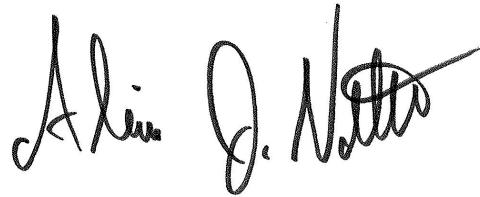
As of this date, no objections to the Report & Recommendation have been filed, and the deadline for objections has passed. *See* Dkt. No. 51 at 33. Thus, the Court reviews the Report & Recommendation for clear error, and it finds none.

The Court therefore adopts the Report & Recommendation in its entirety and GRANTS Plaintiffs’ motion for default judgment against Defendants Taste and Sabor LLC and Nurkia DeLeon.

This resolves docket number 39. The Clerk of Court is respectfully directed to enter judgment in accordance with the Report & Recommendation and close this case.

SO ORDERED.

Dated: January 31, 2022  
New York, New York



---

ALISON J. NATHAN  
United States District Judge